



www.westfargond.gov

Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
October 10, 2016 at 7:00 P.M.
West Fargo City Hall

Members Present: Jim Brownlee
 Scott Diamond
 David Gust
 Leroy Johnson
 Shane LeBahn
 Tom McDougall
 Jana Reinke

Members Absent: Joe Kolb

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Matt Welle, Jon Youness, Matt Marshall, Mike Graham, Dena Vanyo, Ed Eisenbeisz, Glen Mitzel, Dan Farnsworth

The meeting was called to order by Chair McDougall.

Commissioner Gust made a motion to approve the September 12, 2016 meeting minutes as written. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-51 Eaglewood 6th Addition, a replat of Lot 4, Block 1 of Eaglewood 2nd Addition, City of West Fargo, North Dakota..

Tim reviewed the following:

The applicant is proposing to subdivide a previously platted large lot into 2 smaller lots for financing purposes. On October 6, 2014, the Commission approved a conditional use permit for the development of 4 12-unit structures and 1 10-unit structure based upon their proposed building construction. Development has occurred on the property for attached residential townhome units and is intended to continue with similar residential structures.

The applicant should provide a revised site plan illustrating that all structures which were developed would meet the applicable district standards in the proposed subdivision. Due to the number of separate buildings in the site, a previous condition recommended by staff was that the developer place a site map at the entrance to the complex to assist City and emergency response.

It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant provide a site plan to be reviewed prior to City Commission to determine where the previous conditionally permitted and permitted structures are on each lot and that the new lots will conform to applicable district standards.
2. A revised drainage plan is submitted and approved by the City Engineer.
3. A signed Final Plat is received with any necessary easements.
4. A certificate is received showing taxes are current.

Tim indicated a condition requiring the developer place a site map at the entrance to the complex to assist City and emergency response be added.

There were no comments from the public. The hearing was closed.

Commissioner Brownlee made a motion for approval based on staff recommendations with an additional condition #5 that the developer place a site map at the entrance to the complex to assist City and emergency response. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-52 Oak Ridge 11th Addition, Replat and Rezoning from C: Light Commercial to PUD: Planned Unit Development of Lots 1-5, Block 1 of Oakridge 9th Addition, City of West Fargo, North Dakota.

Tim reviewed the following:

The request is to rezone from C: Light Commercial to PUD and replat 5 commercial lots into 35 office and general commercial condominium lots with common lots, drives and amenities for the use of the development. Lots 1 and 22 of the preliminary plat are proposed to remain zoned C: Light Commercial. Lot 2 is proposed as a local retention pond for the development and should be included in the Planned Unit Development (PUD). Lots 3-21 and 23-35 of the preliminary plat are proposed to be developed as office condos with PUD standards as proposed and attached to the staff report, which provide for detailed permitted uses, yard requirements, and site, landscaping, and building construction standards.

The uses as proposed are similar to those within the C: Light Commercial and C-OP: Commercial Office Park districts, albeit with more detail. It may be appropriate for the uses to be further refined. Staff would point particularly to the following:

- Permitted Use #2: Display of vehicles. It may be more appropriate to provide for this use as a conditional use if it is desirable for it to be reviewed by Planning and Zoning Commission and City Commission.
- Permitted Use #4: Privately owned properties does not constitute a use. It would be appropriate to detail what this use may be.
- Permitted Use #8: Hotels & Motels. This use seems not possible in the development given the availability of parking and lot sizes as proposed.
- Permitted Use #11: The “such as” which includes hospitals and nursing homes does not seem possible in the development given the availability of parking and lot sizes as proposed.

The proposed yard requirements are consistent with the CO: Corridor Overlay district with an exception that the proposed front yard is 5’ greater than that of the CO district.

The property is proposed to be accessed from 32nd Ave E to the north and by way of a private drive on an existing easement between 6th St E and 4th St E, which would be extended within the proposed development to provide access to each separate lot. The private drive has been constructed to the west, but not yet to the east. The coordinated construction of the drive is essential to this development and will need to be included in a subdivision/PUD agreement. Given the private drive would become a more substantial access with multiple properties it should become a named street and included within the improvement district and/or PUD.

The applicant is seeking a full approach to 32nd Ave E. The previous plat of Oak Ridge 9th Addition included a discussion of this and it was noted on the plat that the access is “Right In, Right Out or ¾ Access”. A traffic study may be required with detailed development plans to determine that a full access at this location would not greatly affect the operation or safety of 32nd Ave E. The access easement to 32nd Ave E may need to be restricted to reduce crash potential by avoiding direct access within 150’ of arterial roadway and should be denoted on the plat similar to a local roadway and/or within the easement document.

Property owners within 150’ and applicable agencies and departments were notified and no comments were received.

It is recommended the City approve the proposed application in concept on the basis it is consistent with City plans and ordinances. Current recommended conditions to be considered as the detailed development plans are created are as follows:

1. The uses listed in the proposed district standards should be amended to reflect concerns noted by staff.
2. District standards should include provisions to require but not limited to CO: Corridor Overlay District, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
3. A recommendation should be provided by City Engineer, Public Works Director, Police, and Planning regarding the proposed access to 32nd Ave E.

Tim stated that on Friday, staff reviewed 3 different concepts showing how the structures would look, which he reviewed.

Applicant Mike Graham stated he was available to answer any questions. He indicated this would provide an affordable option for smaller business owners.

Chair McDougall asked about the types of uses in mind with the garage door. Mr. Graham stated maybe a small band who need a place to practice and store equipment or someone with classic cars. These would be for people to buy not lease. Tim indicated outdoor storage and display wouldn't be allowed. Mr. Graham stated that the types of uses could be insurance agents, accountants, consultants, and advertising agencies. People who don't want to rent space in a strip mall

Chair McDougall stated if they are not intended to be leasable, what about subleasing. Mr. Graham stated that he's not willing to put it into the covenants. There's the potential someone may buy and not use it right away and could end up leasing it out. Chair McDougall asked about potential parking issues if there were 3-4 accountants in a building. Mr. Graham stated that if someone comes in and indicates they'll have 18 people working onsite, he can always turn down the sale. Tim stated that they'll have to look at parking during the detailed development plan phase.

Commissioner Brownlee asked for clarification on storage. Tim stated that in the Light Commercial District mini-storage isn't allowable. Discussion was held regarding types of storage. Larry stated that the primary function should be office with storage available for the use, not standalone storage. He also indicated concern with parking if the private drive becomes heavily trafficked. Mr. Graham stated that the private drive is already established. Larry stated concern with parking spots backing out onto the private drive. Tim indicated the site could be redesigned to address that.

Commissioner Brownlee asked about issues with infrastructure. Assistant City Engineer Matt Welle indicated sewer and water still needs to be extended to the site. The pond is private.

Economic Development Director Matt Marshall stated that there is a need for this type of use. Current options for small business owners are to rent in a strip mall or industrial area. This is a great option for smaller businesses.

There were no other comments from the public. The hearing was closed.

Commissioner Reinke asked about access onto 32nd Avenue. Tim stated that currently the property is zoned C and part of the PUD process involves the concept plans or the "big picture", then detailed development plans will need to come back. Therefore, access has yet to be determined. Mr. Welle stated that currently there's a median on 32nd Avenue and it's designed right-in/right-out.

Chair McDougall asked about east/west access. Tim stated that the easement is there, but the eastern portion hasn't been paved yet, nor has there been a call for improvements.

Commissioner Diamond asked what is located to the SE. Tim stated the 119-unit Hadley Meadows townhome project. A buffer will be required between the commercial and residential properties.

Commissioner Gust made a motion for approval of the concept based on the conditions listed in the staff report. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened Public Hearing A16-53 Rezoning from Agricultural to R-2: Limited Multiple Dwellings property in the SE¼ of Section 31, T139N, R49W, City of West Fargo, North Dakota.

Tim stated that this is a new application, which the applicant has asked to be continued. It's a backup plan. They would be building the exact same product, but asking for R-2 zoning. The developer had a neighborhood meeting on September 29th and have hired an attorney. The developer has also had some meetings with staff and City Commissioners. They are proposing another neighborhood meeting.

Tim suggested opening the public hearing, although there's not much to comment on. Three emails were submitted to commissioners this evening with concerns. Staff will notify the public again regarding future meetings.

Dena Vanyo, 112 50th Avenue East, stated that her husband Darrell was unable to attend tonight. They still don't want high density. A letter was sent to commissioners and staff asking for an amendment to the comp plan and they haven't heard anything back. Tim stated that the request was passed on to the City Attorney, who indicated the City is required to take applications sequentially. There is the PUD Application and the one for R-2 zoning, so staff does not have an official response yet.

Ed Eisenbeisz, 106 50th Avenue East, stated they've responded with opposition to both plans. He hopes commissioners read his letter. There's a total disregard to what they've said, no regard for the neighborhood. The addition of The Wilds doesn't reflect the Comp Plan. Serious consideration should be given to their concerns. He also stated that the developer hasn't shown up to the last two meetings.

Glen Mitzel, 166 50th Avenue East, stated that he'd like to point out that with R-2 zoning, 139 units would be allowed. They had concerns with 88 units.

Commissioner Gust made a motion to continue the public hearing until the next meeting. Commissioner Johnson seconded the motion. Commissioners LeBahn, Reinke, Johnson, Brownlee, McDougall, Gust voted in favor of the motion. Commissioner Diamond abstained. Motion carried 6-0.

Tim indicated property owners will be notified again regarding upcoming meetings.

The next item on the agenda was A16-54 Access onto 9th Street NW.

Larry reviewed the following from the staff report:

The applicant is proposing two access locations onto a collector street section that was recently reconstructed as part of a realignment street project for 9th Street NW (Cass County Highway #19). The salt/sand storage structure location on the property is greatly affected by soil conditions on the property. Soils on areas of the property are not suitable for building structures, so the structure was located to the stable area.

The applicant has indicated the accesses would be used for salt/sand trucks to enter, maneuver and exit the property. One access would be in front of the proposed salt/sand storage structure. Given the area is less developed and more industrial in nature, and with a proposed use being a low traffic generating use, the spacing of access locations may be adequate. The shared access with the north property would likely be the only access allowed for that property, as the access would be slightly more than 150 feet from the intersection of 12th Avenue NW. The classification of 12th Avenue NW is a minor arterial street, which would have even greater restrictions of access.

The City's development review group has met and reviewed the proposed site plan and access locations. It is their position the proposed access locations are justifiable. The Cass County Highway Engineer has also been notified.

Review by Planning & Zoning Commission and City Commission is consistent with City Plans and Ordinances. It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with conditions of approval as follows:

1. The north access is granted as a shared access with the property to the north.

Mr. Welle stated that the existing salt storage is located near the water tower at the sanitation building south of Main Avenue and the City wanted it closer to the Public Works building on 12th Avenue NW.

Tim stated the City owns the proposed lot to the north and hopes to sell it. The road realignment lines up with the public works driveway. Mr. Marshall stated that use has yet to be determined, but is zoned industrial.

Chair McDougall asked if the City sold the north lot, where could another access be placed? Larry stated that would need to be considered when marketing the lot and may not be allowed if too close to 12th. It depends upon the use. There will already be a paved shared access in place to the south.

Commissioner Gust made a motion for approval based on staff recommendations. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

The next item on the agenda was the Downtown Sheyenne St Corridor Study.

Dan Farnsworth, FM Metro COG, stated that last spring he reviewed Phase I of the Sheyenne Street Corridor Study which covered 13th Avenue to 52nd Avenue. Phase II is for downtown Sheyenne Street. A committee made up of representatives from Metro COG, the City, ND-DOT, local business owners, study consultants KLJ and Moore Engineering guided the review of the corridor.

Mr. Farnsworth then reviewed the following recommendations:

- Redevelopment Accommodations – roadway/sidewalk improvements related to downtown redevelopment
- Traffic Control at 4th Ave – a crosswalk beacon and pedestrian refuge island would help pedestrian access and safety
- Traffic Control at 7th Ave – as traffic is expected to increase, a signal at 7th Ave should be considered
- Three Lane Section with Bulb Outs from Main Ave to 7th Ave – it is recommended that Sheyenne St remains a three lane roadway (one lane each direction with center left turn lane). It is also recommended that bulb outs be installed at intersections to calm traffic, improve aesthetics and better accommodate pedestrians

Commissioner Reinke asked about potential issues with snow removal at the bulb-outs. Tim stated that the Public Works Director is on the committee. Commissioner Gust asked how they affect turn lanes and bike lanes. Mr. Farnsworth indicated bike lanes aren't proposed at this location. Discussion was held regarding traffic calming, similar to 8th Street West and 7th Avenue East.

Commissioner LeBahn asked diagonal parking at the new Sheyenne Plaza building. Tim stated that there is extra right-of-way available for this.

- Separated Bicycle Lanes from 7th Ave to 13th Ave – it is recommended that this roadway section convert the existing underutilized on-street parking on the east side of the roadway into a separated bicycle lane
- Bicycle Facilities from Main Ave to 7th Ave – a variety of bicycle improvements along 7th Ave and 1st St are recommended

Discussion was held regarding bicycle facilities and options for individuals choosing to bike along Sheyenne Street north of 7th Avenue being there will not be a designated bike lane. Larry stated that currently there is a side path law prohibiting people from riding bicycles on sidewalks. They could look at changes to the law. There is nothing prohibiting individuals from biking along Sheyenne Street provided they follow the rules of the road.

- Parking Standards – a variety of parking standards are provided for consideration
- Eastbound Right-Turn Lane at Main Ave – To improve intersection operations, an eastbound right-turn lane is recommended at the intersection of Sheyenne St and Main Ave.
- Access Management Plan – it is recommended that the proposed Access Management Plan as part of this study be incorporated to help alleviate issues related to excess access points
- Aesthetics Plan – aesthetic improvements are proposed which would make the corridor a more attractive place for businesses, patrons, and surrounding neighborhood

Tim stated that the corridor study is required to receive federal funding.

Commissioner Reinke asked about downtown revitalization. Larry stated that because of public support and comments received during the 1998 Comp Plan process. The community wanted to revitalize the area, wanted a downtown area.

Commissioner Gust made a motion recommending to the City Commission a resolution of support for the Sheyenne Street Corridor Study. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Tim indicated A15-57 Gateway West Addition was continued. There was a conference call held with the ND-DOT and the City Commission reviewed alternatives to the interchange, which impacts this site. The ND-DOT management will be reviewing this in a couple weeks, so development will depend upon that meeting.

Under non-agenda, Tim indicated there will be Comp Plan kick-off meetings November 9th & 10th and encouraged commissioners to attend. The Comp Plan process will take about a year.

Commissioner Gust made a motion to adjourn. Commissioner Johnson seconded the motion. Meeting adjourned.